

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 34597 of 2007(R)

PETITIONER:

1. S.SREEKUMARI, W/O.THRIVIKRAMON NAIR,
HOUSE NO.59, T.C.2/152, MOSQUE LANE,
KESAVADASAPURAM, TRIVANDRUM.
2. G.S.PADMAKUMARI, T.C.2/163, MOSQUE LANE
HOUSE NO.41, KESAVADASAPURAM, TRIVANDRUM.
3. S.FATHIMUTHU BEEVI, T.C.13/2003,
HOUSE NO.61, MOSQUE LANE, KESAVADASAPURAM,
TRIVANDRUM.
4. AJITHKUMAR P.T., KALLUVETTAMKUZHI VEEDU,
HOUSE NO.11, T.C.2/185-1, MOSQUE LANE,
KESAVADASAPURAM, TRIVANDRUM.
5. PURUSHOTHAMAKUMAR, T.C.172/2,
HOUSE NO.27, MOSQUE LANE, KESAVADASAPURAM,
TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SMT.KVP.JAYALEKSHMY
SRI.M.AJAY (IRUMPANAM)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION,
GOVT. OF KERALA, SECRETARIAT, TRIVANDRUM.
2. THE CITY CORPORATION OF TRIVANDRUM,
REPRESENTED BY THE COMMISSIONER,
CITY CORPORATION OF TRIVANDURM,
CORPORATION BLDG. PALAYAM, TRIVANDURM.

: 2 :

3. TRIDA, REPRESENTED BY THE SECRETARY,
TRIDA, TRIVANDRUM.

R3 ADV. SRI.K.A.JALEEL, SC., TRIDA
R2 SRI.N.NANDAKUMARA MENON (SR.)
R4 GOVT. PLEADER SRI.BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No.34597 OF 2007

Dated this the 19th December, 2007.

J U D G M E N T

This writ petition is filed challenging Ext.P12, which is an administrative sanction accorded by the Government to initiate the urgency clause under Section 17(4) of the Land Acquisition Act.

2. The learned Standing Counsel appearing for the Corporation submits that the Corporation have passed a resolution for widening the mosque road by acquiring 26 cents of land and the Government had accorded sanction. It is submitted that no proceedings under the Land Acquisition Act is so far initiated. Since, the statutory authorities had not initiated any proceedings under the Land Acquisition Act, this writ petition is pre-mature. So, I am of the view that this writ petition can be closed, without prejudice to the right of the petitioners to approach this Court again on the very same cause of action, challenging the notification, if any, as and when the same is issued by the competent authority under the provisions of the Land Acquisition Act.

In the result, the writ petition is closed without prejudice to the right of the petitioners to move this Court again, on the same cause of action, as and when if any proceedings under the Land Acquisition Act is initiated.

**K.PADMANABHAN NAIR,
JUDGE**

nj.